

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

ANNMARIE MOTA,

Plaintiff,

V.

**BEACON BAY ASSET
MANAGEMENT, LLC,
JAMES VIRGIL WILLIS, AND
GLENN KLUPSAC,**

Defendants.

Civil Action No. _____

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. §§ 1332, 1441(a) & (b) and 1446 (a), Defendants James Virgil Willis and Beacon Bay Asset Management, LLC, (collectively “Movant”) hereby file this Notice of Removal as follows;

THE REMOVED CASE

1. The removed case is a civil action filed on May 5, 2017 in Dallas County, Texas, assigned Case No. DC-17-05369 and captioned *AnnMarie Mota v. Beacon Bay Asset Management, LLC, James Virgil Willis, and Glenn Klupsak* (the “State Court Suit”). Movants were served with citation on June 20, 2017.

PAPERS FROM REMOVED ACTION

2. As required by 28 U.S.C. § 1446(a) and Local Rule 81.1(a)(4), copies of all process, pleading, orders, and other papers or exhibits filed in the State Court Suit are attached hereto as Exhibit “A”.

THE REMOVAL IS TIMELY

3. Plaintiff commenced the State Court Suit on May 5, 2017, and served Movants on June 20, 2017. Hence, this Notice of Removal is timely filed within 30 days of receipt of the initial pleading and within one year of the commencement of the action.

JURISDICTION AND VENUE REQUIREMENTS ARE MET

4. This lawsuit is a civil action of which this Court has original jurisdiction under 28 U.S.C. § 1332, and is one which may be removed to this Court by the Defendants pursuant to 28 U.S.C. § 1441(b) in that this is a civil action between citizens of different states and the matter in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs.

5. Complete diversity of citizenship exists both at the time the Plaintiff filed the State Court Suit and at the time of this removal in that: Plaintiff is a citizen of the State of California; Defendant James Virgil Willis is a citizen of the State of Arizona; Defendant Beacon Bay Asset Management, LLC is a limited liability company and its sole member, James Virgil Willis is a citizen of the State of Arizona; and Defendant Glenn Klupsak is a citizen of the State of Nevada.

6. Venue of this removal to this district is proper under 28 U.S.C. §1441(a) because the 162nd District Court of Dallas County, Texas, the state court where the action has been pending, is located in this district.

JOINDER IN REMOVAL

7. Defendant Glenn Klupsak's Joinder in Removal is attached hereto as Exhibit "B".

FILING OF REMOVAL PAPERS IN THE STATE COURT SUIT

8. Pursuant to 28 U.S.C. § 1446(d), written notice of the removal of this action will be promptly filed in the State Court Suit and served upon the Plaintiff.

9. No admission of fact, law or liability is intended by this Notice or Removal, and all defenses, motions and pleas are expressly reserved.

Respectfully Submitted,

/s/ N. Henry Simpson, III

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**ATTORNEYS FOR DEFENDANTS
BEACON BAY ASSET MANAGEMENT, LLC,
AND JAMES VIRGIL WILLIS**

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of July, 2017, the above document was served pursuant upon all counsel of record.

/s/ Robert Ruotolo

Robert Ruotolo